

**WILK AUSLANDER LLP**

1515 Broadway, 43<sup>rd</sup> Floor  
New York, New York 10036  
Telephone: (212) 981-2300  
Jay S. Auslander  
Eric J. Snyder  
Natalie Shkolnik  
Julie Cilia  
Eloy A. Peral  
Robert C. Reiland

*Counsel for Seadrill Limited and Fintech Advisory Inc.*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

PERFORADORA ORO NEGRO, S. DE R.L.  
DE C.V., *et al.*

Debtors in a Foreign Proceeding.

Chapter 15

Case No. 18-11094 (SCC)  
(Jointly Administered)

GONZALO GIL-WHITE, PERSONALLY  
AND IN HIS CAPACITY AS FOREIGN  
REPRESENTATIVE OF PERFORADORA  
ORO NEGRO, S. DE R.L. DE C.V. AND  
INTEGRADORA DE SERVICIOS  
PETROLEROS ORO NEGRO, S.A.P.I. DE  
C.V.

Plaintiff,

-against-

ALP ERCIL; ALTERNA CAPITAL  
PARTNERS, LLC;  
AMA CAPITAL PARTNERS, LLC;  
ANDRES CONSTANTIN ANTONIUS-  
GONZÁLEZ; ASIA RESEARCH AND  
CAPITAL MANAGEMENT LTD.; CQS  
(UK) LLP; FINTECH ADVISORY, INC.;

Adv. Pro. No. 19-01294

DEUTSCHE BANK MÉXICO, S.A.,  
INSTITUCIÓN DE BANCA MÚLTIPLE;  
GARCÍA GONZÁLEZ Y BARRADAS  
ABOGADOS, S.C.; GHL INVESTMENTS  
(EUROPE) LTD.; JOHN FREDRIKSEN;  
KRISTAN BODDEN; MARITIME  
FINANCE COMPANY LTD.; NOEL BLAIR  
HUNTER COCHRANE, JR; ORO NEGRO  
PRIMUS PTE., LTD.; ORO NEGRO  
LAURUS PTE., LTD.; ORO NEGRO  
FORTIUS PTE., LTD.; ORO NEGRO  
DECUS PTE., LTD.; ORO NEGRO  
IMPETUS PTE., LTD.; PAUL MATISON  
LEAND, JR.; ROGER ALAN BARTLETT;  
ROGER ARNOLD HANCOCK; SEADRILL  
LIMITED; SHIP FINANCE  
INTERNATIONAL LTD.; and DOES 1-100

Defendants.

**MOTION OF SEADRILL LIMITED AND  
FINTECH ADVISORY INC. FOR LEAVE TO FILE UNDER SEAL**

Pursuant to the *Confidentiality Agreement and Stipulated Protective Order* (the “Protective Order”), agreed to by and among: (1) Alonso Del Val Echeverria, in his capacity as foreign representative of (a) Perforadora Oro Negro, S. de R.L. de C.V. and (b) Integradora de Servicios Petroleros, S.A.P.I. de C.V.; and (2) Seadrill Limited (“Seadrill”) and Fintech Advisory Inc. (“Fintech”)[ECF #169], Seadrill and Fintech file this motion (the “Motion”), pursuant to Section 107(b) of the Bankruptcy Code, Rule 9018 of the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rule 9018-1 and the Protective Order, for entry of an order substantially in the form of Exhibit A to this Motion granting permission to file under seal redacted copies of the Motion to Dismiss the Complaint [ECF 1, 4 &9] filed by Seadrill and Fintech in the above-captioned adversary proceeding (the “MTD”) [ECF Nos. 17, 35 and 36]. In support thereof, Seadrill and Fintech respectfully represent as follows:

## **BACKGROUND**

1. Mr. Del Val Echeverria commenced this Chapter 15 proceeding on April 20, 2018. On June 6, 2019, his successor as foreign representative, Gonzalo Gil-White (the “Foreign Representative”) commenced this adversary proceeding by filing the Complaint against Seadrill and Fintech and other defendants as set forth in the caption above. The Complaint was eventually refiled on June 12 [ECF #4] and July 10 [ECF #9] to address non-substantive issues. On August 26, 2019, Seadrill and Fintech filed the MTD.

2. Paragraph 15 of the Protective Order provides:

Sealing of Designated Material Filed With Or Submitted To Court: In the event that Receiving Party seeks to file documents with the Court that contain, identify, or reference Designated Materials, including pleadings, motions, or other papers, Receiving Party shall file a motion to seal pursuant to Local Rule 9018-1, simultaneously with a redacted public copy of any such pleadings, motions, and/or other papers redacting the Designated Materials.

## **RELIEF REQUESTED**

3. By this Motion, Seadrill and Fintech seek leave to file unredacted copies of the MTD under seal and redacted copies of the MTD on the docket, without prejudice to the rights of any interested party to seek a subsequent determination from the Court that certain of the redacted materials not be kept under seal.

## **BASIS FOR RELIEF REQUESTED**

4. Pursuant to Paragraph 15 of the Protective Order, if a Party (as defined in the Protective Order) desires to file with the Court any material designated as “Confidential” or “Highly Confidential,” the Party desiring to file the material “shall file a motion to seal pursuant to Local Rule 9018-1, simultaneously with a redacted public copy of any such pleadings, motions, and/or other papers redacting the Designated Materials.” Accordingly, Seadrill and Fintech file this Motion.

5. Section 107(b) of the Bankruptcy Code provides in pertinent part: “On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court’s own motion, the bankruptcy court may – (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information . . . .” 11 U.S.C. § 107(b)(1). Bankruptcy Rule 9018 sets forth the procedure by which a party may move for relief under 11 U.S.C. § 107(b).

6. The MTD describes materials that the Foreign Representative identified in his Complaint, some of which were designated as “Confidential” or “Highly Confidential” by Seadrill and Fintech. Seadrill and Fintech therefore request authority to file unredacted copies of the MTD under seal and redacted versions on the docket in order to comply with the terms of the Protective Order. Seadrill and Fintech seek this relief without prejudice to their right to seek a subsequent determination from the Court that such materials should not be treated confidentially.

#### **NOTICE**

7. Notice of this Motion has been provided to all individuals receiving ECF notifications in these Chapter 15 cases.

WHEREFORE, Seadrill and Fintech respectfully request entry of an order, in the form submitted herewith as Exhibit A: (1) authorizing Seadrill and Fintech to file unredacted copies of the MTD under seal and redacted copies of the MTD on the docket; (2) preserving the right of any party to seek a determination from the Court that such materials not be treated confidentially; and (3) granting such other and further relief as this Court deems appropriate.

Dated: August 26, 2019  
New York, New York

WILK AUSLANDER LLP

By: /s/ Julie Cilia  
Jay S. Auslander  
Eric J. Snyder  
Natalie Shkolnik  
Julie Cilia  
Eloy A. Peral  
Robert C. Reiland  
1515 Broadway, 43<sup>rd</sup> Floor  
New York, New York 10036  
(212) 981-2300

*Counsel for Seadrill Limited and  
Fintech Advisory Inc.*

## **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	Chapter 15
In re:	:	
	:	Case No. 18-11094(SCC)
PERFORADORA ORO NEGRO, S. DE R.L.	:	
DE C.V., <i>et al.</i> ,	:	(Jointly Administered)
	:	
Debtors in a Foreign Proceeding.	:	
	:	
-----	X	

**[PROPOSED] ORDER GRANTING MOTION OF  
SEADRILL LIMITED AND FINTECH ADVISORY INC.  
FOR LEAVE TO FILE MOTION TO DISMISS UNDER SEAL**

Upon the motion (the “Motion”) of Seadrill Limited (“Seadrill”) and Fintech Advisory Inc. (“Fintech”), pursuant to Bankruptcy Code section 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rule 9018-1 and the Protective Order<sup>1</sup> governing this matter, for entry of an order granting permission to file under seal unredacted copies of the motion (the “MTD”) filed by Seadrill and Fintech [ECF #17, 35 and 36] to dismiss the Complaint [ECF ## 1,4 & 9] filed in this Adversary Proceeding; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED to the extent set forth herein.
2. Pursuant to section 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018 and

---

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Local Bankruptcy Rule 9018-1(b), Seadrill and Fintech are authorized to file the MTD under seal.

3. The information in the unredacted copies of the MTD shall remain under seal and shall not be made available to anyone until such time as the Court may direct, except that copies shall be provided to (a) the Court, (b) the Office of the United States Trustee, and (c) other interested parties, in the discretion of the Producing Party (as defined in the Protective Order), subject to an appropriate nondisclosure agreement.

4. Any party in interest seeking access to the unredacted copies of the MTD shall file an appropriate motion with the Court seeking such relief on appropriate notice.

5. This Order is without prejudice to the rights of any party in interest, or the United States Trustee, to seek to unseal the MTD or any part thereof.

6. At the conclusion of this Chapter 15 proceeding, Seadrill and Fintech shall unseal or dispose of the confidential information governed by this Order.

7. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: \_\_\_\_\_, 2019  
New York, New York

**HONORABLE SHELLEY C. CHAPMAN**  
**UNITED STATES BANKRUPTCY JUDGE**